

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Livorio Sandoval,

Case No. 3:14 CV 1327

Plaintiff,

MEMORANDUM OPINION
AND ORDER

-vs-

JUDGE JACK ZOUHARY

Jon D. Richardson, et al.,

Defendants.

Pro se Plaintiff Livorio Sandoval, an inmate at the North Central Correctional Complex (“NCCC”), filed this action against John Richardson, Prosecutor Timothy Braun, Ohio Department of Rehabilitation & Correction Director Gary Mohr, NCCC Warden Neil Turner, and Dr. Bell. The Complaint expressly references 42 U.S.C. § 1983, but also contains legal conclusions that would be the subject of an action filed under 28 U.S.C. §§ 2241 or 2254. Plaintiff seeks \$45 million in damages.

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam), the district court is required to dismiss an *in forma pauperis* action under 28 U.S.C. § 1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). A cause of action fails to state a claim upon which relief may be granted when it lacks “plausibility in the complaint.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 564 (2007). A pleading must contain a “short and plain statement

of the claim showing that the pleader is entitled to relief.” *Ashcroft v. Iqbal*, 556 U.S. 662, 677–78 (2009). Viewed in the light most favorable to the plaintiff, a complaint’s factual allegations must raise a right to relief above the speculative level. *See Bell Atl. Corp.*, 550 U.S. at 555. Detailed factual allegations are not required, but a plaintiff must provide more than “an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Iqbal*, 556 U.S. at 678.

In a six-page, handwritten Complaint, Plaintiff alleges: a series of Eighth Amendment deprivations; prosecutorial and judicial misconduct (apparently during the trial that resulted in his conviction); violations of certain ethical rules; interference with judicial business; a fee dispute with a prior attorney; ineffective assistance of counsel and denial of counsel; a due process violation; racial profiling and racial discrimination; a deprivation of equal protection; a denial of access to courts; racketeering offenses on Defendants’ part; and a violation of the Clean Water Air (Doc. 1 at 2–6).

Even liberally construed, the Complaint’s comprehensible portions contain only legal conclusions. As a result, Plaintiff fails to state a claim upon which relief may be granted. This action is dismissed pursuant to 28 U.S.C. § 1915(e). Pursuant to 28 U.S.C. § 1915(a)(3), this Court certifies that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

December 11, 2014